

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERROR ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

**NOTICE OF AMENDMENT
AS TO THE TALIBAN AND
MUHAMMAD OMAR**

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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-7236 (GBD)(SN)

Plaintiffs identified herein file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, in a form similar to notices previously permitted and approved by this Court in its December 1, 2020 Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment as to Sudan, ECF No. 6547, and October 28, 2019 Amended Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment addressing claims against the Kingdom of Saudi Arabia (“KSA”) and the Islamic Republic of Iran (“Iran”), ECF No. 5234.¹ Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the “New Plaintiffs”) as plaintiffs raising claims against the Taliban and Muhammad Omar.

The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the *Ashton* Plaintiffs First Amended Complaint, No. 02-6977, ECF No. 2 (hereinafter “*Ashton* First Amended Complaint”), as well as all causes of action and all subsequent amendments thereto. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

¹ The Order of October 28, 2019 (ECF 5234) approving notices to conform, short form complaints and notices of amendment supersedes all previous Orders addressing procedures established by the Court for filing new claims or amending those brought against defendants including the Court’s July 10, 2018 Amended Order filed at ECF 4045.

This Notice of Amendment relates solely to the Taliban and Muhammad Omar and does not apply to any other defendant.

Upon filing this Taliban Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with the complaint; and all prior Orders and rulings of the Court in connection with that complaint, including the default judgment entered by this Court on May 12, 2006, ECF 1797, which specifically identifies the Taliban and Muhammad Omar in Exhibit B filed at ECF 1782-5, April 27, 2006.

Additionally, each New Plaintiff incorporates the factual allegations and findings contained in the pleadings and orders filed at *Havlish v. Bin Laden*, No. 1:03-CVC-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295, 316; *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (GBD)(SN)(S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011.

CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference, the factual allegations, jurisdictional allegations, and jury trial demand in the following complaints:

- *Ashton* First Amended Complaint, No. 02-6977, ECF No. 2.

IDENTIFICATION OF NEW PLAINTIFFS

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Cunningham, Paul	United Kingdom	United Kingdom	Michael J. Cunningham	Brother	<i>Bauer</i> action ² Paragraph 50
2	Cunningham, Sean	United Kingdom	United Kingdom	Michael J. Cunningham	Brother	<i>Bauer</i> action Paragraph 50
3	Cunningham, Teresa	New Jersey	U.S. Citizen	Michael J. Cunningham	Wife	<i>Bauer</i> action Paragraph 50
4	Cunningham, William	New Jersey	U.S. Citizen	Michael J. Cunningham	Son	<i>Bauer</i> action Paragraph 50
5	D'Ambola, Domenick	New Jersey	U.S. Citizen	Donna Giordano	Father	<i>Bauer</i> action Paragraph 41
6	D'Ambola, Est. of Jessamine	New Jersey	U.S. Citizen	Donna Giordano	Mother	<i>Bauer</i> action Paragraph 41
7	D'Ambrosi, Dean J.	Virginia	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Brother	<i>Bauer</i> action Paragraph 21
8	D'Ambrosi, Emily	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Daughter	<i>Bauer</i> action Paragraph 21
9	D'Abmrosi, Sr., Est. Jack L.	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Father	<i>Bauer</i> action Paragraph 21
10	D'Ambrosi, Karen	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Wife	<i>Bauer</i> action Paragraph 21
11	Danahy, Alison M.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer</i> action Paragraph 47
12	Danahy, Grace A.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer</i> action Paragraph 47
13	Danahy, Kathleen T.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer</i> action Paragraph 47
14	Danahy, Mary	New York	U.S. Citizen	Patrick W. Danahy	Wife	<i>Bauer</i> action Paragraph 47
15	Dembicki, Janyne V.	New Jersey	U.S. Citizen	Scott Vasel	Sister	<i>Bauer</i> action Paragraph 14
16	DiMeglio, Daniel	Massachusetts	U.S. Citizen	David DiMeglio	Brother	<i>Bauer</i> action Paragraph 39
17	DiMeglio, John	Massachusetts	U.S. Citizen	David DiMeglio	Father	<i>Bauer</i> action Paragraph 39

² *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

18	DiMeglio, Patti S.	New Hampshire	U.S. Citizen	David DiMeglio	Mother	<i>Bauer</i> action Paragraph 39
19	Dougherty, Mary Beth	New York	U.S. Citizen	Kevin Murphy	Sister	<i>Bauer</i> action Paragraph 11
20	Eckert, Est. of Beverly	Connecticut	U.S. Citizen	Sean Rooney	Wife	<i>Bauer</i> action Paragraph 51
21	Felt, Adrienne P.	California	U.S. Citizen	Edward P. Felt	Daughter	<i>Bauer</i> action Paragraph 35
22	Felt, Gordon	New York	U.S. Citizen	Edward P. Felt	Brother	<i>Bauer</i> action Paragraph 35
23	Felt, Kathryn	New Jersey	U.S. Citizen	Edward P. Felt	Daughter	<i>Bauer</i> action Paragraph 35
24	Felt, Lawrence	Virginia	U.S. Citizen	Edward P. Felt	Brother	<i>Bauer</i> action Paragraph 35
25	Felt, Sandra V.	New Jersey	U.S. Citizen	Edward P. Felt	Wife	<i>Bauer</i> action Paragraph 35

Dated: April 11, 2022

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone
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